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9 **BEFORE THE**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2021-074116

14 **GEORGE WILLIAM WILSON, M.D.**
15 **72-780 Country Club Drive, Building B,**
Suite 205A
16 **Rancho Mirage, CA 92270**

A C C U S A T I O N

17 **Physician's and Surgeon's Certificate**
No. G 10335,

18 Respondent.

19
20 **PARTIES**

21 1. Reji Verghese (Complainant) brings this Accusation solely in his official capacity as
22 the Interim Executive Director of the Medical Board of California, Department of Consumer
23 Affairs (Board).

24 2. On or about December 21, 1964, the Medical Board issued Physician's and Surgeon's
25 Certificate No. G 10335 to George William Wilson, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on December 31, 2023, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states, in pertinent part:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

(1) Have his or her license revoked upon order of the board.

(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

...

5. Section 2234 of the Code, states, in pertinent part:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

...

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but

1 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
2 licensee's conduct departs from the applicable standard of care, each departure
3 constitutes a separate and distinct breach of the standard of care.

4 6. Section 2266 of the Code states that the failure of a physician and surgeon to maintain
5 adequate and accurate records relating to the provision of services to their patients constitutes
6 unprofessional conduct.

7 COST RECOVERY

8 7. Section 125.3 of the Code states, in pertinent part:

9 (a) Except as otherwise provided by law, in any order issued in resolution of a
10 disciplinary proceeding before any board within the department or before the
11 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
12 administrative law judge may direct a licensee found to have committed a violation or
13 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
14 investigation and enforcement of the case.

15 (b) In the case of a disciplined licensee that is a corporation or a partnership, the
16 order may be made against the licensed corporate entity or licensed partnership.

17 (c) A certified copy of the actual costs, or a good faith estimate of costs where
18 actual costs are not available, signed by the entity bringing the proceeding or its
19 designated representative shall be prima facie evidence of reasonable costs of
20 investigation and prosecution of the case. The costs shall include the amount of
21 investigative and enforcement costs up to the date of the hearing, including, but not
22 limited to, charges imposed by the Attorney General.

23 (d) The administrative law judge shall make a proposed finding of the amount
24 of reasonable costs of investigation and prosecution of the case when requested
25 pursuant to subdivision (a). The finding of the administrative law judge with regard to
26 costs shall not be reviewable by the board to increase the cost award. The board may
27 reduce or eliminate the cost award, or remand to the administrative law judge if the
28 proposed decision fails to make a finding on costs requested pursuant to subdivision
(a).

(e) If an order for recovery of costs is made and timely payment is not made as
directed in the board's decision, the board may enforce the order for repayment in any
appropriate court. This right of enforcement shall be in addition to any other rights
the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be
conclusive proof of the validity of the order of payment and the terms for payment.

(g) (1) Except as provided in paragraph (2), the board shall not renew or
reinstate the license of any licensee who has failed to pay all of the costs ordered
under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion,
conditionally renew or reinstate for a maximum of one year the license of any

licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

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FIRST CAUSE FOR DISCIPLINE
(Gross Negligence)

8. Respondent has subjected his Physician's and Surgeon's Certificate No. G 10335 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that he committed gross negligence in his care and treatment of Patient A,¹ as more particularly alleged hereafter:

Patient A

9. In or around December 2020, Patient A, an 85-year old male, was an established patient of Respondent, a primary care physician. Patient A had a history of heart disease that was known to Respondent. On or about December 9, 2020, Patient A's wife spoke to Respondent on the phone. She told Respondent that she and her husband had tested positive for COVID-19. At that time, due to the pandemic, Respondent was not seeing COVID-19 patients in person. Patient A's wife told Respondent that Patient A was having breathing issues. Respondent issued prescriptions for azithromycin² and hydroxychloroquine³ to treat Patient A.

10. On or about December 11, 2020, Respondent faxed the azithromycin and hydroxychloroquine prescriptions to a pharmacy. In response to Respondent's faxed

¹ The patient's name has been omitted to protect his privacy.

² Azithromycin, brand name Zithromax, is an antibiotic.

³ Hydroxychloroquine, brand name Plaquenil, is a medication used treat malaria and lupus. On or about March 28, 2020, the Food and Drug Administration (FDA) issued an Emergency Use Authorization (EUA) permitting licensed practitioners to prescribe hydroxychloroquine to treat COVID-19 in adolescent and adult patients who weigh 50 kilograms or more, are hospitalized for COVID-19, and for whom a clinical trial is not available or participation is not feasible. On or about June 15, 2020, the FDA revoked the EUA for hydroxychloroquine because it was no longer reasonable to believe that the medication may be effective in treating COVID-19, nor was it reasonable to believe that the known potential benefits of this medication outweigh the known and potential risks.

1 prescriptions; a pharmacist informed Respondent that she would not fill the prescriptions for
2 Patient A because hydroxychloroquine did not benefit most patients and had negative side effects.
3 Shortly thereafter, Respondent contacted another pharmacy, which filled the azithromycin and
4 hydroxychloroquine prescriptions for Patient A without incident.

5 11. On or about December 14, 2020, Patient A went to the hospital for low oxygen
6 saturation and dehydration. In the emergency department, after Patient A's oxygen levels
7 improved, he went home.

8 12. On or about December 16, 2020, Patient A's wife called Respondent and reported
9 that Patient A's oxygen levels were decreasing. On or about the same day, Patient A was
10 admitted to the hospital for acute respiratory failure with hypoxia secondary to COVID-19
11 pneumonia and cardiac ischemia. At admission, Patient A's oxygen saturation was in the mid-
12 eighties. At the hospital, Patient A was given supportive therapies. On or about December 26,
13 2020, given Patient A's poor prognosis, his family elected to pursue comfort measures at home.
14 Patient A died on or about December 27, 2020.

15 13. Respondent committed gross negligence in his care and treatment of Patient A which
16 includes, but is not limited to, the following:

- 17 a. Respondent inappropriately prescribed hydroxychloroquine and/or
18 azithromycin to Patient A, putting Patient A at risk for a serious adverse event or death; and
19 b. Respondent failed to document and/or failed to properly store medical records
20 pertaining to his telephone encounter to treat Patient A for COVID-19, prescribe
21 medications to treat COVID-19, and discuss the risks and benefits of prescribing these high
22 risk medications off-label.

23 **SECOND CAUSE FOR DISCIPLINE**
24 **(Repeated Negligent Acts)**

25 14. Respondent has further subjected his Physician's and Surgeon's Certificate
26 No. G 10335 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
27 subdivision (c), of the Code, in that he committed repeated negligent acts in his care and
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1 treatment of Patient A, as more particularly alleged in paragraphs 9 through 13 above, which are
2 hereby incorporated by reference and re-alleged as if fully set forth herein.

3 **THIRD CAUSE FOR DISCIPLINE**
4 **(Failure to Maintain Adequate and Accurate Records)**

5 15. Respondent has further subjected his Physician's and Surgeon's Certificate
6 No. G 10335 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of
7 the Code, in that he failed to maintain adequate and accurate records in his care and treatment of
8 Patient A, as more particularly alleged in paragraphs 9 through 14 above, which are hereby
9 incorporated by reference and re-alleged as if fully set forth herein.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Medical Board of California issue a decision:

13 1. Revoking or suspending Physician's and Surgeon's Certificate No. G 10335, issued
14 to Respondent George William Wilson, M.D.;

15 2. Revoking, suspending or denying approval of Respondent George William Wilson,
16 M.D.'s authority to supervise physician assistants and advanced practice nurses;

17 3. Ordering Respondent George William Wilson, M.D., to pay the Board the costs of the
18 investigation and enforcement of this case, and if placed on probation, the costs of probation
19 monitoring; and

20 4. Taking such other and further action as deemed necessary and proper.

21
22 DATED: MAR 15 2023

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24 REJI VERGHESE
25 Interim Executive Director
26 Medical Board of California
27 Department of Consumer Affairs
28 State of California
Complainant

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